

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 307 be amended to read as follows:

- 1           Page 3, between lines 28 and 29, begin a new paragraph and insert:  
2           "SECTION 5. IC 8-22-2-1 IS AMENDED TO READ AS  
3           FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Whenever the  
4           fiscal body of an eligible entity adopts an ordinance or a resolution in  
5           favor of the acquisition, improvement, operation, or maintenance of an  
6           airport or landing field for the entity under this chapter, and declaring  
7           a necessity for the airport or landing field, then on the effective date of  
8           the ordinance or resolution, there is established as an executive  
9           department of the entity a department of aviation, under the control of  
10          a board to be known as the board of aviation commissioners.  
11          (b) The following apply to a board of aviation commissioners  
12          established under this chapter:  
13              (1) Except as provided in subsections (e) through (f), the board  
14              consists of four (4) members.  
15              (2) Except as provided in subsection (e) **and section 2.5 of this**  
16              **chapter**, the executive of the entity shall appoint the members of  
17              the board.  
18              (3) Except as provided in subsection (f), not more than two (2) of  
19              the members of the board may be of the same political party.  
20          (c) The fiscal body of the entity may provide a per diem for the  
21          members of the board in any amount not exceeding thirty-five dollars  
22          (\$35) for each whole or part day a member is engaged in board  
23          activities. The members of the board shall also be paid their actual  
24          expenses, which may include the expenses of the members or  
25          employees of the board in attending meetings or conventions held to

1 discuss aviation matters.

2 (d) Before beginning the duties of office, each board member shall  
 3 take and subscribe the usual oath of office, to be endorsed upon the  
 4 certificate of appointment, and shall cause that to be filed with the clerk  
 5 or other officer performing duties similar to that of clerk in the entity.  
 6 Any person who does not file the oath with the clerk or other officer  
 7 performing duties similar to that of the clerk within thirty (30) days  
 8 after the beginning of the term for which he has been appointed, or at  
 9 the date of his appointment, if appointed after the beginning of the term,  
 10 is considered to have refused to serve and the office becomes vacant.

11 (e) Notwithstanding subsection (b), if a county having a population  
 12 of more than two hundred thousand (200,000) but less than three  
 13 hundred thousand (300,000) has established a board, the county council  
 14 and the mayors of the two (2) cities in the county having the largest  
 15 populations may each appoint one (1) additional member to the board,  
 16 thereby creating a board consisting of a total of seven (7) members. The  
 17 three (3) additional members serve in the same manner, are accorded  
 18 the same status, and perform the same duties as the four (4) initial board  
 19 members, and serve terms of four (4) years. If either the county council  
 20 or either of the two (2) mayors fails to make appointments to the board,  
 21 that fact does not prejudice appointments that may be made by the other  
 22 appointing authority or authorities.

23 (f) This subsection applies to the following:

24 (1) A county having a population of more than ninety thousand  
 25 (90,000) but less than one hundred thousand (100,000).

26 (2) A county having a population of more than thirty-six thousand  
 27 (36,000) but less than thirty-six thousand seventy-five (36,075).

28 Notwithstanding subsection (b), if a county has established a board  
 29 under this chapter, the county executive may add one (1) additional  
 30 member to the board so that the board has a total of five (5) members.  
 31 Not more than three (3) of the five (5) members of the board may be of  
 32 the same political party. The one (1) additional member shall serve in  
 33 the same manner, be accorded the same status, and perform the same  
 34 duties as the four (4) initial members, and serve a four (4) year term.

35 SECTION 6. IC 8-22-2-2 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) To be eligible to  
 37 be a member of the board of aviation commissioners, a person must:

38 (1) be at least eighteen (18) years of age;

39 (2) be a resident of the county in which the eligible entity:

40 (A) is located; or

41 (B) owns real property used as an airport;

42 (3) not be actively engaged or employed in commercial  
 43 aeronautics;

44 (4) not hold any other governmental office (by appointment or  
 45 election) that has statutory fiscal or management review of the  
 46 board's actions; and

47 (5) not serve as a member of any other agency, board,

commission, department, or other governmental entity that:

(A) is located within the jurisdiction of the department of aviation; and

(B) has statutory fiscal or management review of the board's actions.

(b) The restrictions on membership qualifications contained in subsection (a)(4) and (a)(5) apply only to counties in which are located:

(1) consolidated cities; or

(2) second class cities.

SECTION 7. IC 8-22-2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 2.5. (a) This section applies:**

**(1) after December 31, 2005; and**

**(2) to the board of an eligible entity:**

**(A) that is a county; and**

**(B) that owns real property:**

**(i) used as an airport; and**

**(ii) located in a related county.**

**(b) This section does not apply to an eligible entity described in section 1(e) or 1(f) of this chapter.**

**(c) As used in this section "home county" refers to an eligible entity that is a county for which a board is established.**

**(d) As used in this section "related county" refers to a county:**

**(1) other than the home county; and**

**(2) in which the eligible entity owns real property used as an airport.**

**(e) Fifty percent (50%) of the board members must be residents of a related county.**

**(f) Subject to subsection (e), the executive of the home county and the executive of each of the related counties shall enter into an agreement under IC 36-1-7 to determine the number of board members that will represent the related county, if any.**

**(g) The executive of each related county:**

**(1) shall appoint the board members representing that county, if any; and**

**(2) has the same powers with respect to the board members representing that county as the executive of the home county**

- 1 **has under this chapter with respect to the members that**
- 2 **represent the home county."**

3 Renumber all SECTIONS consecutively.

(Reference is to ESB 307 as printed March 25, 2005.)

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Representative Mahern